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REMARKS

This response is intended as a full and complete response to the final Office Action mailed February 21, 2007. In the Office Action, the Examiner notes that claims 1-25, 27 and 28 are pending and rejected. By this response, Applicants have amended claims 1, 2, 12-14 and 28.

In view of the foregoing amendments and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response including amendments.

I. IN THE CLAIMS

Claims 13 and 14 are objected to for various informalities. In particular, referring to claim 13, the Examiner states that the phrase "said previously broadcast programs" lacks antecedent basis. Referring to claim 14, the Examiner states that the phrase "said first and second modes of operation" lacks antecedent basis. Responsive to the Examiner, the Applicants herein amend claims 13 and 14 to address the Examiner's objections. Therefore, the Applicants respectfully request the objections be withdrawn.

II. REJECTION OF CLAIMS 1-4, 7-17, 25, 27 AND 28 UNDER 35 U.S.C. §102

The Examiner has rejected claims 1-4, 7-17, 25, 27 and 28 under 35 U.S.C. §102(3) as being anticipated by Ellis et al. US2003/0149988A1 (hereinafter "Ellis"). Applicants respectfully traverse the rejection.

Applicants' claim 1 recites:

1. A method, comprising:
receiving audiovisual data from a desired transmission channel;
if said audiovisual data is not compressed according to a predetermined format, compressing said received audiovisual data according to said predetermined format;

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storing dynamically, in a mass storage device and for a predefined period of time, compressed audiovisual data received from said desired transmission channel according to a title plan generated by a time shift scheduler, wherein said title plan includes content of variable duration; and in response to a user request, providing to said user said stored compressed audiovisual data beginning with a portion of said stored compressed audiovisual data having associated with it a first temporal parameter via said desired transmission channel. (Emphasis added.)

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. Ellis fails to disclose each and every element of the claimed invention, as arranged in claim 1.

Specifically, Ellis fails to teach or suggest at least that the storing dynamically, in a mass storage device and for a predefined period of time, compressed audiovisual data received from said desired transmission channel according to a title plan generated by a time shift scheduler, wherein said title plan includes content of variable duration and in response to a user request, providing to said user said stored compressed audiovisual data beginning with a portion of said stored compressed audiovisual data having associated with it a first temporal parameter via said desired transmission channel, as recited in claim 1. For example, in a DIVA TV mode of operation, programs from a particular channel are captured and stored up to a fixed "window" of time. That is, the DIVA TV operating mode makes available the content provided during the previous "x" hours via that channel. (See Applicants' specification, p. 20, ll. 18-29, emphasis added.)

The Applicants note the Examiner's response that the Applicants' claims as recited, do not prohibit user selection as taught by Ellis. In response, the Applicants herein amend the independent claims to recite according to a title plan generated by a time shift scheduler. In light of this amendment, Ellis teaches away from the Applicants' invention because Ellis teaches that when a user selects or designates a program for recording the program guide generates a record request and transmits the request to the media server. (See Ellis, para. [0187], emphasis added.) In contrast, the Applicants' invention teaches that time shift scheduler generates a title plan, which is

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then provided to the Interactive Programming Guide system. (See e.g., Applicants' specification, p. 14, ll. 22-31.)

Moreover, the Applicants' invention teaches storing dynamically content of variable duration that is in the title plan. In other words, the Applicants' invention provides dynamic storage of content having variable duration because the allocation of memory may be continually updated. (See e.g., Applicants' specification, p. 12, ll. 3-27.) In contrast, Ellis is silent on this feature as well. Ellis appears to teach that a user may select a program that has a defined duration from an interactive programming guide. (See Ellis, para. [0087], [0133]; FIGs. 14d and 14e.) The Applicants' note that Ellis shows the recording of a sports event in figures 18a and 18b, but Ellis does not specifically state that the entire sports event was captured. For example, it is possible that Ellis' invention only captured an amount equivalent to the reserved time block on the program guide, thereby, not recording the entire sports event if the sporting event continued beyond the reserved time block.

In addition, the Applicants invention teaches providing to a user said stored compressed audiovisual data beginning with a portion of said stored compressed audiovisual data having associated with it a first temporal parameter via said desired transmission channel. In other words, the particular channel that programs are captured from is the same channel that provides the captured content. (See e.g., Applicants' specification, p. 20, ll. 18-29, emphasis added.) Notably, Ellis is completely silent on teaching or suggesting this feature.

Thus, Ellis does not teach or suggest each and every one of the limitations of Applicants' invention as recited in claim 1. As such, Applicants submit that independent claim 1 is not anticipated by Ellis and is patentable under 35 U.S.C. §102. Independent claims 2, 12 and 28 recite relevant limitations similar to those recited in independent claim 1. Accordingly, for at least the same reasons discussed above, independent claims 2, 12 and 28 also are not anticipated by Ellis and are patentable under 35 U.S.C. §102. Furthermore, claims 3-4, 7-11, 13-17 and 25 and 27 depend directly or indirectly from independent claims 2 and 12, while adding additional elements. Therefore, these dependent claims also are not anticipated by Ellis and are patentable under 35 U.S.C.

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§102 for at least the same reasons discussed above in regards to independent claims 1, 2, 12 and 28.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103

Claims 5, 6, 17-21

The Examiner has rejected claims 5, 6 and 17-21 under 35 U.S.C. §103(a) as being unpatentable over Ellis et al. in view of Moeller et al. U.S. Patent No. 5,903,264 (hereinafter "Moeller"). Applicants respectfully traverse the rejection.

Claims 5, 6 and 17-21 depend directly or indirectly from independent claims 2 and 12 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Ellis reference fails to teach or suggest Applicants' invention as recited in claims 2 and 12. Accordingly, any attempted combination of the Ellis reference with any other additional reference(s), in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 5, 6 and 17-21 are patentable under 35 U.S.C. §103 over Ellis in view of Moeller.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

Claims 22-24

Claims 22-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ellis in view of Moeller and further in view of Youden et al. U.S. Patent 5,606,359 (hereinafter "Youden"). Applicants respectfully traverse the Examiner's rejection.

Claims 22-24 depend directly or indirectly from independent claim 12 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Ellis reference fails to teach or suggest Applicants' invention as recited in claim 12. Accordingly, any attempted combination of the Ellis reference with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit

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that dependent claims 22-24 are patentable under 35 U.S.C. §103 over Ellis in view of Moeller and further in view of Youden.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

THE SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

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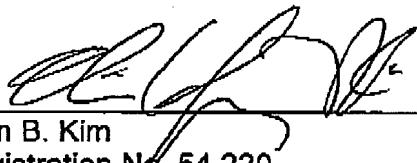
CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Chin (Jimmy) Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 4/19/07



Chin B. Kim
Registration No. 54,220
Attorney for Applicant(s)

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808